

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BETANET, LLC,

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Plaintiff,

CIVIL ACTION NO.
2:09-cv-384-DF-CE

V.

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- (1) ADOBE SYSTEMS, INC.;
- (2) APPLE, INC.;
- (3) ARIAL SOFTWARE, LLC;
- (4) AUTODESK, INC.;
- (5) CARBONITE, INC.;
- (6) COREL CORP.;
- (7) EASTMAN KODAK CO.;
- (8) INTERNATIONAL BUSINESS MACHINES CORP.;
- (9) INTUIT, INC.
- (10) MICROSOFT CORP.;
- (11) MCAFEE, INC.;
- (12) ONLINE HOLDINGS, LLC;
- (13) ORACLE CORP.;
- (14) ROCKWELL AUTOMATION, INC.;
- (15) ROSETTA STONE, LTD.;
- (16) SAP AMERICA, INC.;
- (17) SIEMENS CORP.; and
- (18) SONY CREATIVE SOFTWARE INC.;

JURY TRIAL DEMANDED

Defendants.

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UNOPPOSED MOTION TO DISMISS

WHEREAS, Plaintiff BetaNet, LLC (“BetaNet”) and Defendant Rosetta Stone, Ltd. (“Rosetta Stone”) have resolved BetaNet’s claims for relief against Rosetta Stone asserted in this case.

NOW, THEREFORE, BetaNet, through its attorneys of record, requests this Court to dismiss BetaNet's claims for relief against Rosetta Stone with prejudice. Further, BetaNet

requests this Court to dismiss Rosetta Stone's counterclaims for relief against BetaNet with prejudice. Each party will bear its own costs and attorneys' fees.

Dated: August 26, 2010

By: /s/ Andrew W. Spangler
Andrew W. Spangler
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**ATTORNEY FOR PLAINTIFF
BETANET, LLC**

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

August 26, 2010

/s/ Andrew W. Spangler
Andrew W. Spangler